



**REGULAR MEETING  
MINUTES OF ACTIONS  
Wednesday, January 23, 2013  
Art Pick Council Chambers  
3900 Main Street, Riverside, CA**

**CASE REVIEW – 4:30 PM**

**PLEDGE**

**Case Review Roll Call**

Rotker	Smith	Johnson	Sawyer	Ortiz	Jackson	Roberts	Santore	Adams
✓	L	✓	✓	✓	✓	✓	✓	✓

✓ = Present    **B** = Absent / Business    **S** = Absent / Sick    **V** = Absent / Vacation    **O** = Absent / Other  
**UE** = Absent / Unexcused    **L** = Late    **LE** = Left Early    **■** = Vacant

**STAFF:** Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

**Public Comment**

There were no public comments regarding closed session items.

**Closed Session – Case Reviews**

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:05 PM to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	<b>CPRC CASE NO.</b>	<b>RPD CASE NO.</b>
1)	12-024	PC-12-09036
2)	11-020	PA-11-05026

The Commission recessed at 5:30 PM to reconvene in the Regular Meeting.

## **REGULAR MEETING – 5:30 PM**

Audio for the following proceedings is available on the CPRC website: [www.riversideca.gov/cprc](http://www.riversideca.gov/cprc)

### **PLEDGE OF ALLEGIANCE**

#### **Regular Meeting Roll Call**

Rotker	Smith	Johnson	Sawyer	Ortiz	Jackson	Roberts	Santore	Adams
✓	✓	✓	✓	✓	✓	✓	✓	✓

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**STAFF:** Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

#### **Public Comments**

There were no public comments.

#### **Approval of Minutes**

Commissioner Johnson asked that the December 12 minutes be amended in the Outreach item to correctly note that he had spoken with an employee associate, not a fellow patron.

Commissioner Rotker asked that the last two bullet points under his questions during the Pablo OID item be moved to show there were asked after questions asked by Commissioner Santore, as Commissioner Rotker believed it was important that they be shown in chronological order.

Ms. Sherron said she could do that; that it would not take long to redo all commissioners so that all questions would be shown in the order they were asked.

Commissioner Adams said that while she understood what Commissioner Rotker was asking, she believed it was more important to note the question and response, not necessarily the order in which the question was asked or who even asked it.

Commissioner Rotker said he felt it was important to show in chronological order because these particular questions were asked because of those asked immediately before his.

Chairwoman Roberts called for a vote, noting that the “Q and A” topic would be agendized for discussion at a future meeting.

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
A) December 12 Regular Meeting, as amended	Santore	Smith	Unanimous	0	0

**B) January 9 Special Meeting**

Santore

Adams

**Smith  
Johnson  
Sawyer  
Ortiz  
Jackson  
Roberts  
Santore  
Adams**

Rotker

0

## **Outreach**

### **A) December / January Outreach**

Commissioner Johnson:

- thanked Block & Shelton Garage for assisting his sister-in-law
- attended the Martin Luther King, Jr. Walk-a-Thon
- noted CIONO's upcoming "Free Shop Day" on January 25

Commissioner Santore:

- La Sierra Watchdogs Neighborhood Watch brought a criminal to the attention of RPD; man was arrested and charged with several crimes.

Commissioner Rotker:

- Ride-along in December; spoke to officers during Roll Call.

Vice-Chair Jackson:

- Northside Improvement Meeting
- DANA Meeting at Fairmount Park
- Hopes to attend the upcoming CIONO event and the Mt. Rubidoux Alliance

Commissioner Ortiz:

- Chambers of Commerce
- Sunrise Rotary (Dollars for Scholars)

Mr. Hauptmann:

- Presentation at University of Phoenix regarding CPRC and Civilian Oversight

Chairwoman Roberts:

- Now on NACOLE Finance Committee
- "Dreamgirls" at Fox Theater; 1-on-1s

### **B) Scheduled Outreach Events**

### **C) Future Outreach Opportunities**

- 1) Discussion and action, if any, regarding Commission participation in the Black History Parade in February
- 2) Request for CPRC Presentation at the Feb. 13 meeting of the Northside Improvement Association
- 3) Input from Outreach Coordinator on upcoming outreach events
- 4) Input from Commission Members on potential outreach events

Commissioner Johnson:

- January 25 – CIONO Free Shop Day
- January 26 – Lunar Festival
- February 2 – Dickens Festival

- February 9 – Black History Parade
- February 28 – Mayor's Night Out

Mr. Hauptmann advised that he was asked to sit on the panel at the annual civil rights symposium on February 7 at La Verne University and speak on civilian oversight.

Due to the late date, it was agreed that the Commission would not have a table at the Black History Parade event this year.

Vice-Chair Jackson said the Goeske Senior Center would be hosting the 10<sup>th</sup> Annual Seniors' Fair and asked if there was any interested in getting a booth or table.

Commissioner Adams asked if the Commission was going to be attending the Chief's Breakfast. As staff had not received any information, Mr. Hauptmann asked her to forward any e-mails to him.

## **OLD BUSINESS**

### **CPRC Ad-hoc Committees**

#### **A) Policies, Procedures, & By-Laws**

Commissioner Rotker, Policies, Procedures, & By-Laws Committee Chair, said he was pleased to announce that the review of the CPRC By-Laws had been completed and thanked Commissioner Ortiz for his work on the document. Commissioner Rotker said that the document would now be sent to City Attorney Greg Priamos for his review, after which it would go to the Commission for its review and approval.

### **Officer-Involved Death (OID) Case Evaluations**

#### **A) Continue Pablo OID Case Evaluation**

Commissioner Adams said she would like a training presentation from RPD regarding officers' use of MDT's / MDC's in patrol cars and how officers are trained to use equipment when they drive.

Mr. Hauptmann said he would try to schedule that for February.

Commissioner Johnson said he has no disputes with RPD's investigation, but does not believe the accident was entirely Ms. Pablo's fault. He also noted that he had sent some news articles to Staff that he felt would be beneficial for the Commission to see.

Chairwoman Roberts said Mr. Bellino's report was good, but she expressed concern that the involved officer's first response was discounted. Commissioner Adams agreed saying she wondered if the officer's response could have been even quicker if he had not been using the MDT.

Mr. Hauptmann reminded the Commission that when that question was initially asked, Mr. Bellino said the officer couldn't have been looking at the MDT because it was physically impossible for the officer to react any quicker than he did. Commissioner Adams replied that Mr. Bellino said the officer wasn't, but the officer said he was, and again asked if his reaction would have been faster had he not been using the MDT.

Chairwoman Roberts also said that time delay from perception to reaction wasn't addressed in enough depth.

Commissioner Rotker noted that Mr. Bellino felt the officer's use of the MDT had no bearing on the outcome of incident.

Commissioner Smith commented on culpability vs responsibility, noting that the Commission's decision won't lessen officer's feeling of responsibility or what this means in terms of a finding. She noted there was responsibility on the part of both individuals.

Commissioner Johnson agreed with Commissioner Adams regarding the need to have a presentation about RPD's training and to see how RPD trains for multi-tasking.

Commissioner Ortiz said he was not convinced that the officer was responsible for accident. He agreed that officers' multi-tasking in a patrol car should be addressed, that it is critical to at least look at this issue, and that the Commission should be pro-active on this policy.

Commissioner Adams agreed, noting that many people have asked about the expert's report after seeing the article in the paper.

Commissioner Santore asked if RPD's policy on cell use can be checked. Mr. Hauptmann said it would be.

Chairwoman Roberts asked if there could be training on that topic; Mr. Hauptmann said it could be incorporated into the MDT / multi-tasking training.

Commissioner Rotker noted that officers are not the only ones exempt from use of cell phones, etc., and asked if this discussion would be taking place if the officer hadn't been looking at his MDT. He said that during the many ride-alongs he's been on, he had watched the officers' multi-task and that none of the officers have ever done this in a less than safe manner. He said that things should be kept in perspective and common sense judgment be used. He also said that a presentation should be made by RPD regarding their training program and why RPD believes that the policy should remain unchanged.

Commissioner Smith said that the community expects the Commission to look at things and make policy recommendations, but does not think the Commission is placating the community. She also wondered if the incident would be looked at as critically if Ms. Pablo had been killed by a civilian.

Commissioner Rotker clarified his previous statement by saying discussion was not placating the community, but a policy recommendation would be.

Commissioner Johnson said that some multi-tasking can be done and shows flexibility, but in the interest of public safety, there are things that can be done to alleviate the situation. Commissioner Adams said this reminded her of Mr. Bellino's comment that officers should not use their cell or MDT unless there is an exigent need.

Vice-Chair Jackson said it would be helpful to have a patrol car available for the MDT training and that the Commission needs to understand how much this training is in the Field Training program. She also noted that the speed limit should be discussed.

Mr. Hauptmann noted that before MDT's, officers used clip boards on which to write information and that it was very distracting.

Chairwoman Roberts asked if the Commission was prepared to accept the facts.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the facts, in the form of Mr. Bellino's report, be accepted	Santore	Ortiz	<b>Unanimous</b>	0	0

## B) Continue Romo OLD Case Evaluation

Mr. Hauptmann noted that the Romo fact sheet was now available.

Commissioner Rotker said his question remained unanswered regarding notes, written by Mr. Romo, that the report said were found, but no photos of the notes were provided. He said he would like to see a photo of these notes that were recovered from the scene.

Mr. Hauptmann said he would see if they could be photocopied, but that he was not sure if they are related to a crime. He said that if the notes that were on the desk refer to a crime, they would not be released. He also said that if a photo was taken, it should be part of the record.

Chairwoman Roberts said there is a picture, but the documents are not legible. She asked Mr. Hauptmann to see what he could learn and discussion would occur at the next meeting.

## 2012 Annual Report

Continued discussion and action, if any, on the 2012 Annual Report, Working Version 3

Discussion began with Commissioner Ortiz asking that his name shown in the bios be listed as Joseph "Joe" Ortiz. He also noted that the wards had been redrawn and that maps should be show accordingly. Chairwoman Roberts said that had happened later in the year and that the former boundaries would be kept for 2012.

Chairwoman Roberts suggested that the Commission take a group photo for the report cover and the Commission agreed by general consensus. She also asked that anyone with pictures that could be used as fillers, to please submit them to staff.

Continued discussion at the February 13<sup>th</sup> meeting was agreed on.

Commissioner Smith, Annual Report Committee Chair, asked about the changes that had been suggested. Chairwoman Roberts said she agreed with them. Commissioner Adams did as well, making a motion to accept the recommendations:

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the Annual Report Committee recommendations be accepted	Adams	Rotker	<b>Unanimous</b>	0	0

## NEW BUSINESS

### Officer-Involved Death (OID) Case Evaluations

#### A) Begin Ledezma OID Case Evaluation

Chairwoman Roberts said the fact sheet for Ledezma was underway.

Commissioner Santore said that they didn't get to see two pieces of pipe, the PVC and handle.

Chairwoman Roberts said Mr. Bumcrot's final report has been posted; that the pipe had been given to Mr. Bumcrot, but where it came from was unknown.

Mr. Hauptmann said that the family had the PVC pipe, told Mr. Bumcrot about it, and eventually gave it to him. The pipe was submitted with a report and given to RPD. While the pipe was booked into evidence by RPD, but a chain-of-evidence issue was created.

Commissioner Santore said that the first PVC pipe was referred to as a bar.

Commissioner Johnson noted that one of the officer's had said he had heard a metal sound when it hit the ground.

Commissioner Santore then asked for the age of Nicholas Raun. Mr. Hauptmann said he would check.

Vice-Chair Jackson said she understood that the family wanted to give the pipe to Mr. Bumcrot, but said he should not have been the one to receive it. Mr. Hauptmann noted that when the family contacted Mr. Bumcrot, they hadn't wanted to release the pipe.

### **Staff Report**

Mr. Hauptmann said he had nothing to report.

### **Commission Member Comments**

Pursuant to Government Code Section 54954.2, Commission members may use this time to make brief announcements or a brief report on their own activities.

Commissioner Johnson wished Mary Shelton well from injuries she sustained after falling while walking along Magnolia.

### **Items for Future Commission Consideration**

Agendize how commissioner questions and answers are written in minutes.

### **Adjournment**

The Commission adjourned at 7:34 PM.

Respectfully submitted,

  
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PHOEBE SHERRON  
Sr. Office Specialist